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In Re:

Marcelino & Blanca Hervias,  
  
Debtors

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Case No.: 21-18530-KCF

Chapter 13

Hearing Date: 2/22/22 at 10:00 a.m.

Honorable Kathryn C. Ferguson

**DEBTOR'S CERTIFICATION AND OPPOSITION TO CHAPTER 7 TRUSTEE'S MOTION  
TO SELL PROPERTY FREE AND CLEAR OF LIENS UNDER SECTION 363 (f)**

I, Marcelino Hervias, the debtor (the "Debtor") in the above-captioned Chapter 7 case, declare under penalty of perjury as follows:

1. My wife and I filed a Chapter 7 Voluntary petition on November 3, 2021 (the "Petition date").
2. Our 341 (a) Meeting of Creditors (the "341") was held on December 7, 2021.
3. The appointed Chapter 7 Trustee filed a Notice of Proposed Private Sale and Motion to Sell Property free and clear of liens on January 22, 2022.
4. Upon inspection of the property, and the fact that said property is in need of a lot of work, it is our belief that the sale price is inflated and unrealistic.


5. We request confirmation from the buyer by way of a signed contract to confirm that he/she will move forward with the sale at a purchase price of \$400,000 as alleged by the Chapter 7 Trustee despite there being a need for a substantial amount of work to be done.
6. As a matter of equity, and during this unexpected rise in real estate market values, we request that the court provide us the opportunity to convert our case to a Chapter 13 where we would be given the opportunity to pay the unexempt amount during the life of a Chapter 13 plan.

**CONCLUSION**

For all of the foregoing reasons, the Motion to sell property free and clear of liens under section 11 U.S.C §\_363 (f) should be denied.


Dated

02/15/2022

  
Marcelino Hervias

Dated:

02/15/2022

  
Blanca Hervias